

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,  Plaintiff,  vs.  NEW SUDAN OMOT OKELLO,  Defendant.	4:22-CR-40096-KES  REPORT AND RECOMMENDATION
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This matter came before the court for a change of plea hearing on Wednesday, October 25, 2023. The defendant, New Sudan Omot Okello, appeared in person and by his counsel, Brett Waltner. The United States appeared by its Assistant United States Attorney.

The defendant consented in open court to the change of plea before a United States Magistrate Judge. This court finds that the defendant's consent was voluntary and upon the advice of counsel. The government also consented to the plea hearing before a magistrate judge. Further, the parties waived their right to object to the report and recommendation.

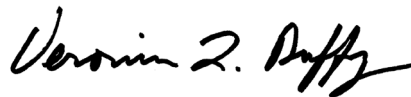
At the hearing, the defendant waived his right to an indictment and agreed that the government could proceed via a superseding information. The court finds the defendant's waiver was voluntary, knowing and intelligent.

Defendant has reached a plea agreement wherein he intends to plead guilty to the superseding information which charges him with unlawful disposition of a firearm in violation of 18 U.S.C. § 922(d)(3). At the hearing, the defendant was advised of the nature of the charges to which the defendant would plead guilty and the maximum penalties applicable, specifically: 15 years' imprisonment; a \$250,000 fine; or both; 3 years supervised release; an additional 2 years' imprisonment if supervised release is revoked; forfeiture; restitution; and a \$100 special assessment.

Upon questioning the defendant personally in open court, it is the finding of the court that the defendant is fully competent and capable of entering an informed plea, that the defendant is aware of the nature of the charges and the consequences of the plea, and that his plea of guilty to the superseding information is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense. It is my report and recommendation that the defendant's plea of guilty be accepted and that he be adjudged guilty of that offense.

DATED this 25th day of October, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Veronica L. Duffy", is written over a horizontal line.

VERONICA L. DUFFY  
United States Magistrate Judge